

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Terrance D. Nielsen; Nancy J. Nielsen;  
and E.N. and N.N., minor children, by  
and through Terrance D. Nielsen and  
Nancy J. Nielsen, their parents and  
natural guardians,

Court File No. 21-cv-00509 JRT/LIB

Plaintiffs,

v.

City of Isle; Aitkin County; Officer Alex  
Thurber, in his individual and official  
capacities; Deputy Nathan Parenteau,  
Deputy Jon Cline, and Deputy Cody  
Schwinghammer, in their individual and  
official capacities; and State Trooper  
Joseph Setnes, in his individual capacity,

Defendants.

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**DEFENDANTS CITY OF ISLE AND OFFICER ALEX THURBER'S  
STATEMENT OF THE CASE**

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Pursuant to the Court's Pretrial Notice and Order, Defendants submit this  
Statement of the Case.

**a. City of Isle Defendants' version of the facts of the case:**

On July 8, 2020, at approximately 9:18 pm, Officer Alex Thurber  
encountered a vehicle speeding towards him. He made a quick U-turn and began

pursuing the vehicle. Throughout this pursuit, the suspect vehicle traveled at speeds in excess of 100 mph and continued doing so for several miles.

Officer Thurber asked dispatch to notify Aitkin County Deputies the pursuit was headed their way. A storm as just passed through and Deputies and a State Trooper were already in the area directing traffic so utility workers could safely clear downed trees near power lines. The Deputies and Trooper created a roadblock for the suspect vehicle by placing stop sticks in the roadway to deflate the suspect vehicle's tires and end the pursuit.

The suspect vehicle drove through the roadblock. Officer Thurber slowed down so he was approximately 300 yards behind the suspect vehicle as it navigated through the roadblock. Unfortunately, he fell too far behind and lost visual of the suspect vehicle so he did not see that it sped away and disappeared from view when it exited the roadblock.

Officer Thurber exited the roadblock and observed Plaintiffs' vehicle slow down, pull to the side of the road, and come to a complete stop. Officer Thurber mistakenly believed Plaintiffs' vehicle was the suspect vehicle he had been pursuing so he pulled his squad car to the side of the road as well and stopped behind Plaintiffs' vehicle.

Officer Thurber exited his squad car and conducted a felony stop of Plaintiffs' vehicle based on his belief Plaintiffs' vehicle was the suspect vehicle that

had fled from him. Officer Thurber handcuffed Plaintiffs Terrance Nielsen and Nancy Nielsen. When Officer Thurber asked why Plaintiffs were speeding and fled from him, they denied doing so and claimed they saw the actual suspect vehicle speed past them.

At approximately 10:07 pm, the Trooper retrieved his laptop, placed it on the hood of his squad car, and showed his squad car video to Officer Thurber. His video showed his view from the roadblock and Plaintiffs' vehicle could be seen navigating through the roadblock ahead of the actual suspect vehicle which then sped past Plaintiffs' vehicle and out of view. The Trooper informed dispatch that Officer Thurber had initiated the felony stop on the wrong vehicle.

At approximately 10:08 pm, Officer Thurber released Plaintiffs from custody, apologized for his mistake in stopping their vehicle, and told them they were free to leave.

A Deputy eventually located the actual suspect vehicle about a mile further down the road. The vehicle had stop stick spikes in three of its tires and it matched the original description of the suspect vehicle. The driver was arrested.

**b. Listing of particularized facts which support the claimed liability or defenses, including any applicable statutes as identified by number.**

Defendants submit Plaintiffs have failed to support their 42 U.S.C. § 1983 claims and state law assault and battery claims. Moreover, Defendants' actions

were objectively reasonable and Plaintiffs' claims are barred by the legal doctrines of qualified and official immunity.

**c. An itemization and explanation of any claimed damages.**

Not applicable.

Dated: June 21, 2021

s/ Jason M. Hiveley

Jason M. Hiveley, #311546

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and Officer Alex Thurber*